

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND (PROVIDENCE)**

IN RE:

Shawn V. Roach, and Lisa A. Roach,  
Debtors.

Nationstar Mortgage LLC d/b/a Mr.Cooper,  
VS.

Shawn V. Roach, and Lisa A. Roach

CHAPTER 13  
CASE NO. 17-11563- DF

**MOTION FOR RELIEF FROM STAY AND MEMORANDUM IN SUPPORT THEREOF**

To the Honorable Diane Finkle:

Nationstar Mortgage LLC d/b/a Mr.Cooper, your moving party in the within Motion, hereby requests that the Court grant relief from the Automatic Stay imposed by 11 U.S.C. §362 and respectfully represents:

1. The movant has a mailing address of 8950 Cypress Waters Blvd., Coppell, TX 75019.
2. Shawn V. Roach and Lisa A. Roach (“Debtors”) have a mailing address of 31 Bristol Ave., Pawtucket, RI 02861.
3. On September 8, 2017, the Debtors filed a petition under Chapter 13 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Rhode Island.
4. A Chapter 13 plan has not been confirmed.
5. The movant is the holder of a first mortgage (“Mortgage”) on real estate located at 31 Bristol Ave, Pawtucket, RI 02861 (“the Property”) in the original amount of \$201,600.00 given by Shawn V. Roach to Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Lenders Network USA, Inc. DBA Lenders Network, its successors and assigns, on or about May 8, 2006. Said Mortgage is recorded with the Records of Land Evidence in the City of Pawtucket at Book: L2641, Page: 289.
6. The Mortgage is modified by a loan modification agreement (“Loan Modification”) entered into on or about March 22, 2011.



7. Said Mortgage secures a note ("Note") given by Shawn Roach to Mortgage Lenders Network USA, Inc. DBA Lenders Network, in the original amount of \$201,600.00.

8. Nationstar Mortgage LLC d/b/a Mr.Cooper, directly or through an agent, has possession of the promissory note and held the note at the time of filing of the Movant's Motion for Relief from the Stay. The promissory note has been duly indorsed.

9. There is no other collateral securing the obligation.

10. Said Mortgage is subject to the following assignments:

Mortgage Electronic Registration Systems, Inc. to U.S. Bank, National Association, as Successor Trustee to Bank of America, N.A., as Successor By Merger To LaSalle Bank, N.A., as Trustee for the Certificateholders of the MLMI Trust, Mortgage Loan Asset-BackedCertificates, Series 2006-MLN1, recorded on March 13, 2012 in Book: L3455, Page: 120;

Bank of America, N.A. to Nationstar Mortgage LLC, recorded on October 3, 2013 in Book: L3657, Page: 37;

Bank of America as Attorney in Fact for Nationstar Mortgage LLC by Power of Attorney Recorded on Document Number 45 Book L3732 Page 342, to U.S. Bank, National Association, as Successor Trustee to Bank of America, N.A. as Successor by Merger to LaSalle Bank, N.A. as Trustee for the Certificates Holders of the MLMI Trust, Mortgage Loan Asset-Backed Certificates Series 2006-MLN1, recorded on February 8, 2016, in Book: L3916, Page: 327;

U.S. Bank, National Association, as Trustee for the Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2006-MLN1, to Nationstar Mortgage LLC, a Delaware Limited Liability Company, recorded on June 26, 2017 in Book: L4104, Page: 126.

True and accurate copies of the Mortgage, Note, Loan Modification, assignment are attached as **Exhibit A**.

11. As of December 27, 2017, approximately \$172,892.57 in principal, interest, late fees and other charges was due with regard to Nationstar Mortgage LLC d/b/a Mr.Cooper's Note and Mortgage.

12. According to the Chapter 13 Plan, the Property is being retained.

13. There are the following encumbrances on the Property:

| <u>Name of Creditor</u>            | <u>Type of Lien</u>      | <u>Amount Owed</u>  |
|------------------------------------|--------------------------|---------------------|
| Nationstar                         | 1 <sup>st</sup> Mortgage | \$172,892.57        |
| U.S. Bank                          | 2 <sup>nd</sup> Mortgage | \$33,976.89         |
| <b>Total Secured Encumbrances:</b> |                          | <b>\$206,869.46</b> |

14. The pre-petition arrearage is \$14,265.41.

15. According to the Debtor's Schedules, the fair market value of the subject property is \$139,000.00.

16. The Debtors have no equity in the Property.

17. The Debtors failed to remain current with the post-petition payments to Nationstar Mortgage LLC d/b/a Mr.Cooper.

18. The last post petition payment was received in the amount of \$1,135.28 on or about November 15, 2017, and was applied to the October 1, 2017 post petition payment.

19. The total post-petition arrearage due as of December 27, 2017 is \$1,678.20 excluding attorney's fees and costs. As a result of this motion, attorney's fees and costs of approximately \$1,281.00 have accrued.

20. The total post-petition arrearage through the anticipated hearing on this motion would also include any additional monthly mortgage payments in the amount of \$1,316.92, which payments are due on the first of every month. The post-petition arrearage would also include any additional expenses, attorney's fees and costs that accrue from the date of the filing of this motion through the date of the hearing.

21. The Property is not necessary for a successful reorganization.

22. The movant seeks relief from stay as a secured creditor to enforce its rights under its loan documents and applicable law. In support thereof, the movant states that it is entitled to relief as follows:

I. Pursuant to 11 U.S.C. §362 (d)(1) for cause on the basis that the Debtors have not made post-petition payments, and that the Debtors have failed to provide the movant with adequate protection;

II. Pursuant to 11 U.S.C. §362 (d)(2) on the basis that there is no equity in the Property;

WHEREFORE, the movant prays that it, and its successors and/or assigns, be granted relief from the stay for the purpose of: (i) exercising its rights under its agreements with the Debtors under applicable law, including, without limitation, taking possession of the mortgaged premises and/or foreclosing or accepting a deed in lieu of foreclosure of its Mortgage on said premises; (ii) preserving its right to seek any deficiency to the extent permitted by state and federal law, including 11 U.S.C. §524(a); (iii) bringing such actions, including, without limitation, as are permissible by law; and (iv) that the Court order such other and further relief as may be just and proper.

Respectfully submitted,  
**Nationstar Mortgage LLC d/b/a Mr.Cooper,**  
By its Attorney,

/s/ Keith J. McCarthy

Keith J. McCarthy  
RI Bar Number: 9346  
Harmon Law Offices, P.C.  
PO Box 610389  
Newton Highlands, MA 02461  
(617)558-0500  
ribk@harmonlaw.com

Dated: January 25, 2018

**Within fourteen (14) after service, if serviced electronically, as evidenced by the certification and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail or other excepted means specified, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise**

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**CERTIFICATE OF SERVICE**

I, Keith J. McCarthy, state that on January 25, 2018, I electronically filed the foregoing document with the United States Bankruptcy Court for the District of Rhode Island on behalf of using the CM/ECF System. I served the foregoing document on the following CM/ECF participants:

Felicia Manni-Paquette  
Joseph A. Keough, Jr.  
John Boyajian  
Gary Donahue

I certify that I have mailed by first class mail, postage prepaid, the documents electronically filed with the Court on the following non CM/ECF participants:

Shawn V. Roach  
31 Bristol Ave  
Pawtucket, RI 02861

Lisa A. Roach  
31 Bristol Ave  
Pawtucket, RI 02861

Felicia Manni-Paquette  
Azzinaro Manni-Paquette  
31 Bristol Ave  
Pawtucket, RI 02861

Nationstar Mortgage LLC  
PO Box 619094  
Dallas, TX 75261

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541

Pawtucket Water Supply Board  
c/o Joseph A. Keough, Jr.  
85 Branch St.  
Pawtucket, RI 02860

Aldridge Pite LLP  
4375 Jutland Drive Suite 200 PO Box  
San Diego, CA 17933

U.S. Bank, National Association, as Successor Trustee to Bank of America, N.A., as Successor By Merger To LaSalle Bank, N.A., as Trustee for the Certificateholders of the MLMI Trust, Mortgage Loan Asset-BackedCertificates, Series 2006-MLN1  
135 S LaSalle St1740  
Chicago, IL 60603

U.S. Bank, National Association, as Successor Trustee to Bank of America, N.A., as Successor By Merger To LaSalle Bank, N.A., as Trustee for the Certificateholders of the MLMI Trust, Mortgage Loan Asset-BackedCertificates, Series 2006-MLN1  
C/O BAC M/C: 6-914-01-43  
Tapo Canyon Road  
Simi Valley, CA 093063

/s/ Keith J. McCarthy  
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